

Misbranding of the article was alleged in the libel for the reason that the statements on the respective-sized containers, " $\frac{1}{2}$ Gallon Net," " $\frac{1}{2}$ Gallon Net," and "1 Gallon Net," as the case might be, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 5, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12013. Adulteration of canned sardines. U. S. v. 25 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17838. I. S. No. 2264-v. S. No. E-4493.)

On September 28, 1923, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation, of 25 cases of sardines, at Johnstown, Pa., alleging that the article had been shipped by the E. A. Holmes Packing Co., from Washington, D. C., on or about June 8, 1923, and transported from the District of Columbia into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Glenco Brand * * * Globe Canning Co. N. Lubec, Maine * * * American Sardines In Mustard Sauce."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On December 10, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12014. Adulteration and misbranding of cottonseed meal. U. S. v. 30 Bags, et al., of Cottonseed Meal. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17175, 17177. I. S. Nos. 3259-v, 3272-v. S. No. E-4281.)

On or about January 19, 1923, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 105 bags of cottonseed meal, remaining unsold in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the Planters Oil Co., from Albany, Ga., on or about November 17, 1922, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "One Hundred Lbs. Second Class Cotton Seed Meal Manufactured by Planters Oil Co. Albany, Ga. Guaranteed Analysis. Ammonia * * * 7.00 per cent * * * Protein 36.00 per cent."

Adulteration of the article was alleged in the libels for the reason that a substance deficient in protein (ammonia) had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the statements in the labeling, "Cotton Seed Meal * * * Guaranteed Analysis. Ammonia * * * 7.00 per cent * * * Protein 36.00 per cent," were false and misleading and deceived and misled the purchaser, since the article was deficient in protein.

On February 21, 1923, the Planters Oil Co., Albany, Ga., claimant, having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the aggregate sum of \$450, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12015. Misbranding of potatoes. U. S. v. South Jersey Farmers Exchange, a Corporation. Plea of guilty. Fine, \$20. (F. & D. No. 17250. I. S. No. 6404-v.)

On September 26, 1923, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the

South Jersey Farmers Exchange, a corporation, Alloway, N. J., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about July 28, 1922, from the State of New Jersey into the State of Missouri, of a quantity of potatoes which were misbranded. The article was labeled in part: (Sack) "150 Lbs. When Packed Jersey Exchange Potatoes South Jersey Farmers Exchange Woodstown, N. J."

Examination of the article by the Bureau of Chemistry of this department showed that the sacks contained approximately 5 per cent less than the declared contents.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "150 Lbs.," borne on the sacks containing the article, was false and misleading in that it represented that each of the said sacks contained 150 pounds of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks contained 150 pounds of the article, whereas, in truth and in fact, each of the sacks did not contain 150 pounds but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 26, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12016. Misbranding of cottonseed meal. U. S. v. 300 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18182. I. S. No. 15841-v. S. No. E-4648.)

On December 19, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 300 sacks of cottonseed meal, at Florin, Pa., consigned by the Eastern Cotton Oil Co., from Hertford, N. C., alleging that the article had been shipped from Hertford, N. C., on or about November 7, 1923, and transported from the State of North Carolina into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Perfection Cotton Seed Meal 100 Lbs. Net Manufactured By Eastern Cotton Oil Company Elizabeth City, N. C. Guarantee Protein not less than 41.00% Equivalent to Ammonia 8.00%."

Misbranding of the article was alleged in substance in the libel for the reason that the labels bore the statements, "Perfection Cotton Seed Meal 100 Lbs. Net * * * Guarantee Protein not less than 41.00% Equivalent to Ammonia 8.00%," which were false and misleading. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On January 4, 1924, the Eastern Cotton Oil Co., Elizabeth City, N. C., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12017. Adulteration of chestnuts. U. S. v. 9 Sacks of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18165. I. S. No. 2929-v. S. No. E-4625.)

On December 14, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 sacks of chestnuts, at Philadelphia, Pa., consigned by G. Geissman, Oakland, Md., alleging that the article had been shipped from Oakland, Md., on or about October 16, 1923, and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed vegetable substance.